

MOTION TO AMEND

1-6-2008

CHRISTOPHER DANIEL GAY

PLAINTIFF,

V.

WINDOM MCGHEE, et al.

DEFENDANTS.

RECEIVED

JAN - 7 A 9 17

Civil Action No: 2:07-cv-1012-MHT

U.S. DISTRICT COURT  
MONTGOMERY DISTRICT ALA

1

NOW COMES THE PETITIONER CHRISTOPHER DANIEL GAY. AND MOTIONS THIS HONORABLE DISTRICT COURT OF THE UNITED STATES. MONTGOMERY ALABAMA, TO AMEND CIVIL ACTION SUITE TO SUBMIT EVIDENCE. TO SHOW THIS HONORABLE COURT THAT DEFENDENTS LIED, AND DID NOT INVESTIGATE. AND TO SHOW THIS HONORABLE COURT THAT MR. WINDOM MCGHEE LIED WHILE UNDER OATH TO FIND ME GUILTY OF DISCIPLINARY.

1/6/2008

RESPECTFULLY SUBMITTED

Christopher D. Gay  
CHRISTOPHER DANIEL GAY

TO:  
DEFENDANT'S COUNSEL

CERTIFICATE OF SERVICE

I do hereby certify that on the 7<sup>th</sup> of ~~December~~<sup>Jan</sup>,  
JANUARY 2008, I mailed A COPY OF THESE  
FORMS TO DEFENDANT'S COUNSEL, NEAL P. CONNOR  
AT THE BELOW ADDRESS.

ALABAMA DEPT OF CORRECTIONS  
LEGAL DIVISION  
POST OFFICE BOX 301501  
301 S. RIPLEY ST  
MONTGOMERY AL 36130-1501

1/7/2008  
RESPECTFULLY SUBMITTED  
Christopher D. Gax  
CHRISTOPHER D. GAX

ORIGINAL

ALDOC Form 225B

ALABAMA DEPARTMENT OF CORRECTIONS  
DISCIPLINARY REPORT

1. Inmate: Gay, Christopher Custody: MIN AIS: W/253514
2. Facility: FRANK LEE YOUTH CENTER
3. The above named inmate is being charged by Windom McGhee, CO with violation of rule number # 62 specifically Intentionally Creating a Security, Safety or Health Hazard from regulation # 403 which occurred on or about 08/12/2007, 2007 at (time) 5:45PM (am / pm), Location: mop storage area. A hearing on this charge will be held after 24 hours from service.

4. Circumstances of the violation(s) are as follows: On 8/12/07 you, inmate Christopher Gay W/253514 did have a pair state pants with your laundry #038 with a reddish/ blue tint in a mop bucket in the mop storage area outside of the kitchen rear exit door.

*Windom McGhee*

Windom McGhee, CO

13 Aug 07  
Date

Arresting Officer / Signature / Rank

- TEM 5. I hereby certify that I have personally served a copy of the foregoing upon the above named inmate and I informed inmate of his/her right to present a written or oral statement at the hearing and to present written questions for the witnesses on this the \_\_\_\_\_ day of \_\_\_\_\_, 2007, at (time) \_\_\_\_\_ (am/pm).

Serving Officer / Signature / Rank

Inmate's Signature / AIS Number

6. Witnesses desired? NO \_\_\_\_\_ YES \_\_\_\_\_  
Inmate's Signature Inmate's Signature

7. If yes, list: \_\_\_\_\_

8. Hearing Date \_\_\_\_\_ Time \_\_\_\_\_ Place \_\_\_\_\_

9. Inmate must be present in Hearing Room. If he/she is not present explain in detail on additional page and attach.

10. A finding is made that inmate (is / is not) capable of representing himself.

\_\_\_\_\_  
Signature / Hearing Officer

11. Plea: \_\_\_\_\_ Not Guilty \_\_\_\_\_ Guilty

12. The Arresting Officer, Inmate, and all witnesses were sworn to tell the truth.

\_\_\_\_\_  
Signature / Hearing Officer

Wardens will appoint a ALDOC employee to serve as Hearing Officer of any charge(s) brought against an inmate pursuant to AR 403. Wardens, personnel who have formed an opinion of the innocence or guilt of the charged inmate, Arresting Officer, and witnesses may not serve as Hearing Officer.

C. Investigation of Charges

The Wardens may, if he/she deems it necessary or advisable, order an investigation of the charges at the institutional level and a report to him/her or request an investigation by the Investigations and Intelligence (I & I) Division.

D. Preparation of Charges

ALDOC Form 225B, Disciplinary Report (Annex C) items 1-4 must be completed when the inmate is charged. If the inmate's actions in one incident violates various major or minor rules, then the Arresting Officer may use his/her discretion in which charges to bring. All offenses growing out of the same incident may be charged at the same time, using separate 225B forms for each charge. The charge(s) should be filed and served within ten (10) calendar days after the inmate is arrested or charged. If the charge is escape, the writer of the incident report will complete an incident report which will be notarized (See AR 302). It will include therein additional information such as contacts for evidence and testimony including law enforcement officers, free world witnesses, and ALDOC personnel.

E. Serving the Inmate with the Charge

\*The Form 225B completed through item five must be served by the Serving Officer on the inmate at least 24 hours before the schedule hearing. The Serving Officer will read the charges to the inmate. If the inmate refuses to sign for receipt of charges, then the Serving Officer will so indicate by "Refused to Sign" and sign Serving Officer's signature. The Serving Officer at this time will inform the accused inmate that he/she should prepare his/her testimony, in the form of a written statement, to be read by the inmate to the Hearing Officer during the hearing. After the inmate has been served a copy of 225B, a suspense copy will be placed in the inmate's institutional file.

F. Obtain Name of Witnesses Inmate wants at Hearing

At the time of service of charges on an inmate, the Serving Officer will advise the inmate of his/her right to call witnesses whose testimony will be relevant and whose presence will not

ADOC INMATE PROPERTY SHEET - INSTITUTION

INSTITUTION: FLC

INMATE NAME / AIS # Gay, Christopher 253514 DATE 12 Aug 07

A. Indicate number of items in corresponding blank

|   |                                  |  |
|---|----------------------------------|--|
| <u>3</u> 1. Pants (3)                   | <u>0</u> 14. Billfold/wallet (1) | <u>0</u> 27. Soap (6 bars)               |
| <u>2</u> 2. Shirts (3)                  | <u>1</u> 15. State ID Card       | <u>0</u> 28. Towels/Washcloths (2 each)  |
| <u>0</u> 3. Jacket (1)                  | <u>0</u> 16. Mirror (1)          | <u>0</u> 29. Toothbrush/Tooth            |
| <u>0</u> 4. Belt (1)                    | <u>0</u> 17. Cup (1)             | <u>0</u> Paste/Tooth Powder (3 each)     |
| <u>0</u> 5. Cap / Toboggan (1)          | <u>0</u> 18. Lock (1)            | <u>0</u> 30. Nail Clipper (1)            |
| <u>2</u> 6. T-shirts (8)                | <u>1</u> 19. Books (4)           | <u>0</u> 31. Toiletry / Hygiene (2 each) |
| <u>2</u> 7. Underwear (8)               | <u>0</u> 20. Legal Papers        | <u>0</u> 32. Cosmetics                   |
| <u>2</u> 8. Socks (8)                   | <u>0</u> 21. Letters (12)        | <u>0</u> 33. Fem Hygiene Products (36)   |
| <u>0</u> 9. Gym shorts (2)              | <u>0</u> 22. Stamps (40)         | <u>0</u> 34. Sheets (2)                  |
| <u>0</u> 10. Thermal Underwear (2 sets) | <u>0</u> 23. Stationary Pads (4) | <u>0</u> 35. Blanket (1)                 |
| <u>0</u> 11. Sweat suits (2 sets)       | <u>0</u> 24. Envelopes (50)      | <u>0</u> 36. Pillowcase (1)              |
| <u>0</u> 12. Gloves (1 pair)            | <u>10</u> 25. Photographs (20)   | <u>1</u> 37. Laundry Bag (1)             |
| <u>0</u> 13. Shoe strings               | <u>0</u> 26. Razor staff (1)     |  |

B. The following items require a brief description

Shoes (name brand, size)

- Tennis Shoes (1 pair) Franklin (white)
- Boots (1 pair) state

Jewelry (name brand / description, color, style)

- Watch (\$25) 0
- Religious medallion/chain (\$25) 0
- Wedding ring (\$50) 0
- Studded earrings - females (\$15) 0

Electronic Equipment (name brand, color, mfg. serial number)

- Radio & Headphones (1 set) 0

C. Miscellaneous (i.e. Canteen items)

|                          |                                |          |
|--------------------------|--------------------------------|----------|
| <u>1) Ocean Breeze</u>   | <u>1) clear soap dish</u>      |          |
| <u>3) bic</u>            | <u>1) story of God (Bible)</u> |          |
| <u>1) Toothbrush G/w</u> | <u>X</u>                       | <u>X</u> |
|                          | <u>X</u>                       | <u>X</u> |
|                          | <u>X</u>                       | <u>X</u> |

D. Stored Property

You have thirty (30) calendar days from the above date to dispose of the following items. You may send the below items home by visitors, mail the items home at your expense, or donate the items to charity. If these items are not removed in thirty (30) days, they will be destroyed. Below are the items you are not authorized to keep.

0

Ch. D. Gay INMATE SIGNATURE W. M. G. G. G. WITNESS

Prove DUE PROCESS

ALABAMA DEPARTMENT OF CORRECTION POLICY STATES SEE SERVING INMATE WITH THE CHARGE: THE FORM 225B. COMPLETED THROUGH ITEM FIVE MUST BE SERVED BY SERVING OFFICER.

ITEM FIVE WAS NOT AND IS NOT COMPLETED ON FORM 225B. I HAVE AND WILL ENCLOSE ORIGINAL FORM TO THIS COURT.

I Aired MY COMPLAINT TO EVERY MEANS AVAILABLE. INCLUDING THE COMMISSIONERS OFFICE I WILL ALSO ENCLOSE LETTERS FROM COMMISSIONERS OFFICE TO PROVE THIS.

NOTE,

PLAINTIFF IS SUEING IN BOTH OFFICIAL CAPACITY, AND INDIVIDUAL CAPACITY.

COPY OF QUESTIONS THAT WERE TO SHOW  
OFFICER WINDOM MCGHEE LIED WHILE UNDER OATH.

ON ORIGINAL DISCIPLINARY WINDOM MCGHEE STATED THAT HE FOUND A PAIR OF STATE PANTS IN A MOP BUCKET OUTSIDE OF THE KITCHEN REAR EXIT DOOR. IN A MOP STORAGE AREA.

ON PAGE 2. TESTIMONY AT HEARING, WINDOM MCGHEE STATED THAT HE FOUND A PAIR OF STATE ISSUED PANTS, SOAKING IN A MOP BUCKET IN THE KITCHEN.

ON PAGE 3. THEY FIND ME GUILTY THAT THE PANTS WERE IN A MOP BUCKET IN THE STORAGE AREA IN BACK OF KITCHEN.

EVERYTIME I PROVED THAT THE PANTS COULDN'T HAVE BEEN MINE. THE STORY WAS CHANGED.

### QUESTIONS THAT MR. MCGHEE LIED ON.

I ASKED FOR A WITNESS. BEING OFFICER KENNETH WCMAHON. HE WAS NOT AT HEARING.

ON EXHIBIT A QUESTIONS TO MR. MCGHEE AT HEARING.

OFFICER WINDOM MCGHEE WAS ASK? THE NIGHT OF 8-12-07. THE NIGHT THAT I LEFT FRANK LEE. HOW MANY PAIRS OF PANTS DID I HAVE? HE ANSWERED 3. THE REASON THIS QUESTION WAS ASKED. IS TO SHOW THAT I STILL HAD THE SAME 3 PAIR THAT OFFICER KENNETH WCMAHON HAD ISSUED ME WHEN I ARRIVED AT FRANK LEE. IN WHICH I SIGNED FOR.

Officer Windom McGhee was then asked what size was the pants? He thought they were size 36. My size is 32 to 34.

Officer Windom McGhee was then asked? Isnt the kitchen door locked, and the only time it is unlocked, and opened an officer is present? He answered YES. The reason this question was asked is to show that there is no possible way that I could get a mop bucket with pants in it or anything else out that door without an officer searching and knowing it. When this question was asked, Windom McGhee changed his statement.

Officer Windom McGhee was then asked? Was he present outside the kitchen door the same day I'm accused of disciplinary searching inmates. He answered NO.

Officer Windom McGhee was then asked? The same evening did he pat me down before I left out of back kitchen door? He answered YES. He answered earlier that he was not present. He LIED

Officer Windom McGhee was then asked? How many inmates have access to storage area? He answered I don't know. The answer is 288 inmates.



FFICER, MC. MANN. WHEN I ARRIVED AT FRANK 122. YOU PROCESSED  
ME IN. HOW MANY PAIRS OF PANTS WAS I ASSIGNED? IN WHICH I  
GHEED AN ENVETORY SHEET TOP.

NOT AT HEARING

question

②

↓

FFICER MC. GHEE. THE NIGHT OF 8-12-07. THE NIGHT I LEFT  
RANK 122. HOW MANY PAIRS OF PANTS DID I HAVE? 3

question

③

↓

FFICER, MC. GHEE. WHAT SIZE WAS THE PANTS THAT YOU FOUND?

question

④

↓

FFICER, MC. GHEE. THE EVENING I WORK IS FROM 4:00AM TILL 6:00AM  
WHICH IS THE SAME HOUR THE 2ND SHIFT KITCHEN WORKERS WORK.  
INT THE KITCHEN DOOR REACHED DO TO INMATES STEERING FOOD.  
INT THE ONLY TIME IT'S OPEN? AN OFFICER IS PRESENT.

question

⑤

↓

FFICER MC. GHEE. THE EVENING THAT I'M ACCUSED OF THIS DISCRIMINATION  
WASNT YOU PRESENT OUTSIDE THE KITCHEN DOOR HEARING INMATES

question

⑥

↓

FFICER MC. GHEE. THE EVENING THAT I'M ACCUSED OF THIS DISCRIMINATION  
DIDNT I GO TO WATER VALVE ON OUTSIDE WALL OF CLOSET, TURN  
THE WATER, WASH OUT 3 MOPS. THEN SPRAY DOCK OFF.  
WHEN YOU PADDED ME DOWN THEN I LEFT.

question

⑦

↓

FFICER MC. GHEE. ISNT IT TRUE THAT THE DINNING ROOM  
EATERS IS THE LAST PERSON TO PUT AWAY THE MOP  
CHETS?

NO

Ficer, McGhee. how many INMATES have ACCESS TO CLOSET?  
I don't know

Ficer, McGhee. ISNT THE MAIN ADMINISTRATIVE DOOR BESIDE  
ie CLOSET?

Irrelevant

Ficer Mc.MANN DONT I VOLUNTEER THE WHOLE 1<sup>ST</sup> SHIFT  
TAKING CARE OF NATIVE AMERICAN GROUND'S? AND WORK HARD AT  
IT?  
Not H<sup>1</sup> Hearing - Has no knowledge

IN A CLEANER. THE KITCHEN STEWARD GETS MY SUPPLIES  
OR ME. I ONLY HAVE ACCESS TO CLEANING STUFF.

I don't know

Ive GOT 1YR 4 MONTHS TIL I GO HOME.

Ive GOT 3 KIDS AND A NEW BORN BABY.

I WAS GOING TO THE US4AD IN 30 DAYS TO WORK AT THE BANK.

I WAS GOING TO WORK RELEASE IN 3 TO 6 MONTHS.

MY MOM OWNS A LAW FIRM IN TAMPA. SHE IS PLANNING FOR  
UNCLE WOMEN. IT WOULD MEAN HER UP.

WHY WOULD I TRADE INMATES FOR 30 YRS

CHRISTOPHER D. GAY # 253514

DRAPER, CORR, FACILITY, Doan J2-HA

PO BOX 1107

ELMORE AL. 36025

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UNITED STATES DIST COURT

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